

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION

JOSEPH GUNN, )  
)  
Plaintiff, )  
)  
v. ) No. 07 CV 50240  
)  
DIXON CORRECTIONAL CENTER, J. )  
MATTHEW FINN, PSY.D., and DR. )  
MICHAEL FERNANDO )  
)  
Defendants. )

**DR. FINN'S ANSWER TO PLAINTIFF'S COMPLAINT**

NOW COMES Defendant, J. MATTHEW FINN, Psy.D., by and through his attorneys, HEYL, ROYSTER, VOELKER & ALLEN, and for his Answer to Plaintiff's Complaint, states as follows:

I. Defendant, J. MATTHEW FINN, Psy.D., is without knowledge or information sufficient to form a belief as to the truth of paragraph I and further specifically denies subparagraphs I(A)-(E) of Plaintiff's Complaint.

II. Defendant, J. MATTHEW FINN, Psy.D., admits the allegations contained in paragraph II(b) of Plaintiff's Complaint. As to the remaining allegations contained in paragraph II of Plaintiff's Complaint, this Defendant is without knowledge or information sufficient to form a belief as to the truth of such remaining allegations and therefore denies the same

III. Defendant, J. MATTHEW FINN, Psy.D., is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph III(A)-(H) of Plaintiff's Complaint.

**HEYL ROYSTER**  
**VOELKER**  
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IV. Defendant, J. MATTHEW FINN, Psy.D., makes no response to the allegations contained in paragraph IV of Plaintiff's Complaint as this paragraph contains no allegations. To the extent that it does, this Defendant denies the same.

V. Defendant, J. MATTHEW FINN, Psy.D., is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph V of Plaintiff's Complaint. This Defendant furthermore denies any allegations or inferences that he acted at any time with deliberate indifference to a serious medical need of the Plaintiff.

VI. Defendant, J. MATTHEW FINN, Psy.D., denies the allegations contained in paragraph VI of Plaintiff's Complaint.

#### **AFFIRMATIVE DEFENSES**

##### ***FIRST AFFIRMATIVE DEFENSE***

Defendant, J. MATTHEW FINN, Psy.D., by his attorneys, HEYL, ROYSTER, VOELKER & ALLEN, asserts as his First Affirmative Defense to the allegations of Plaintiff's Complaint, that the Plaintiff failed to exhaust administrative remedies, as mandated by the Prison Litigation Reform Act (PLRA), 42 U.S.C. § 1997(e)(a).

##### ***SECOND AFFIRMATIVE DEFENSE***

Defendant, J. MATTHEW FINN, Psy.D., by his attorneys, HEYL, ROYSTER, VOELKER & ALLEN, asserts as his Second Affirmative Defense to the allegations of Plaintiff's Complaint, that Dr. Finn's conduct was objectively reasonable and did not violate any of the Plaintiff's clearly established Constitutional rights, and as such Dr. Finn has qualified immunity as to the allegations of against him of the Plaintiff's Complaint.

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***THIRD AFFIRMATIVE DEFENSE***

Defendant, J. MATTHEW FINN, Psy.D., by his attorneys, HEYL, ROYSTER, VOELKER & ALLEN, asserts as his Third Affirmative Defense to the allegations of Plaintiff's Complaint, that the allegations and claims of Plaintiff's Complaint are barred by the applicable statute of limitations.

***FOURTH AFFIRMATIVE DEFENSE***

Defendant, J. MATTHEW FINN, Psy.D., by his attorneys, HEYL, ROYSTER, VOELKER & ALLEN, asserts as his Fourth Affirmative Defense to the allegations of Plaintiff's Complaint, that Dr. Finn cannot be held liable in this matter as he does not have the requisite personal involvement required by 42 U.S.C. § 1983.

**PRAYER FOR RELIEF**

WHEREFORE, Defendant, J. MATTHEW FINN, Psy.D., having fully answered Plaintiff's Complaint, denies that Plaintiff is entitled to any of the relief he requests, and furthermore Dr. Finn prays for judgment in his favor and against the Plaintiff, and that Defendant have and recover his costs of suit accordingly.

**DEMAND FOR JURY TRIAL**

Defendant, J. MATTHEW FINN, Psy.D., hereby demands a trial by jury of twelve on any and all allegations of Plaintiff's Complaint directed against him, any Affirmative Defenses asserted thereto, and for any and all issues properly triable by jury.

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J. MATTHEW FINN, Psy.D.

BY: s/ Scott G. Salemi  
HEYL, ROYSTER, VOELKER & ALLEN  
Scott G. Salemi, Esq.  
ARDC 6209932

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**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing instrument was served upon all parties to the above cause via the CM/ECF System on the 31st day of March, 2008.

TO:

Jacqueline J. Montville  
515 Kendall Lane  
DeKalb, IL 60115  
(815) 758-8396  
[blackdog@tbc.net](mailto:blackdog@tbc.net)

\_\_\_\_\_  
s/ Scott G. Salemi

Scott G. Salemi

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